

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

A BILL FOR

1 An Act modifying the definition of assault.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.1, subsections 1 and 2, Code 2009,
2 are amended to read as follows:

3 1. Any act which ~~is intended~~ a reasonable person would
4 expect to cause pain or injury to, or which ~~is intended~~ a
5 reasonable person would expect to result in physical contact
6 which will be insulting or offensive to another, coupled with
7 the apparent ability to execute the act.

8 2. Any voluntary act which ~~is intended~~ a reasonable person
9 would expect to place another in fear of immediate physical
10 contact which will be painful, injurious, insulting, or
11 offensive, coupled with the apparent ability to execute the
12 act.

13 EXPLANATION

14 This bill modifies the definition of assault. Under the
15 bill, an assault is defined as any act which a reasonable
16 person would expect to cause pain or injury to, or which a
17 reasonable person would expect to result in physical contact
18 which will be insulting or offensive to another, coupled with
19 the apparent ability to execute the act. Currently assault is
20 defined as such acts which are intended to cause pain or injury
21 or to result in such physical contact.

22 Under the bill, an assault is also defined as any voluntary
23 act which a reasonable person would expect to place another
24 in fear of immediate physical contact which will be painful,
25 injurious, insulting, or offensive, coupled with the apparent
26 ability to execute the act. Currently, such assault is defined
27 as such an act which is intended to place another in such fear.

28 The changes in the bill are in response to Iowa supreme court
29 cases State v. Heard, 636 N.W.2d 227 (Iowa 2001) and State v.
30 Bedard, 668 N.W.2d 598 (Iowa 2003).